HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

AND

HON'BLE SRI JUSTICE R. SUBHASH REDDY

Writ Petition No. 11874 of 2005

Between:

Dr. B.R. Ambedkar Youvajana Seva Sangam,

Rep. by its Secretary Sri R. Appa Rao

… Petitioner.

And

The District Collector, Visakhapatnam and others.

… Respondents.

:: ORDER::

Counsel for the petitioner : V. Mallik

Counsel for the respondents : Government Pleader for Revenue

December 22, 2005

Per G.S. Singhvi, CJ.

In this petition filed in the name of public interest litigation, the petitioner has prayed for issuance of a writ in the nature of mandamus directing respondents not to initiate further action such as granting of assignments handing over possession of the land situated in Survey No.30 of Munagapaka village and mandal, Visakhapatnam District.

Learned counsel for the petitioner submitted that in the past, the authorities have allotted land meant for Schedule Castes persons and despite representations to the concerned authorities no action has been taken to redeem the situation.

In our opinion, relief in terms of the prayer made in the writ petition cannot be granted because there is a presumption that the public authorities act in accordance with law. The Court can correct an illegal, arbitrary or unconstitutional action of the public authority but cannot issue an omnibus direction by presuming that such authorities would necessarily act in violation of law or the constitutional provisions.

For the reasons stated above, the writ petition is dismissed.

Before parting with the case, we deem it proper to observe that the petitioner has not challenged the assignments and allotments already made and none of the beneficiaries of the so-called assignments or allotments has been impleaded as party respondent so as to enable the Court to effectively adjudicate on the so-called illegality committed by the public authorities in assigning and/or allotting land meant for Schedule Castes persons.

G.S. SINGHVI, CJ.

R. SUBHASH REDDY, J.

December 22, 2005.

MVB.